



Department of Development Services
Planning Division
Meeting Minutes of the
Planning & Zoning Commission
(Subject to Commission Approval)

REGULAR MEETING OF THE PLANNING & ZONING COMMISSION
TUESDAY, OCTOBER 27, 2009

Commissioners Present

Sandra Bobowski
Temple Shannon
John Lupo, Jr.
David Blatt
Fran Reale
Gerry Pleasant, Alternate

Staff Present

Roger J. O'Brien
Don Chapman
Jillian Hockenberry

Commissioners Absent

David Jorgensen, Alternate

Chairperson Bobowski called the meeting to order. She appointed Commissioner Pleasant to fill the vacancy.

I. Minutes – October 13, 2009

On motion made by Commissioner Lupo, Jr., and seconded by Commissioner Shannon, the minutes of October 13, 2009 were approved. All Commissioners voted in favor.

II. Public Hearing

Chairperson Bobowski opened the public hearing. Mr. Roger O'Brien read the legal notice. Commissioner Bobowski read the rules of conduct.

A. 89 Arch Street – Special Permit for the sale of liquor, night club, and off-site parking in a B-1 district. Applicant- Destino Nightclub LLC.

Principal Planner Don Chapman presented a summary of the application and answered the Commissioners questions.

Mr. Chapman stated that the most recent Certificate of Occupancy issued at the subject site was for a restaurant around 1992. There have been other Temporary Certificates of Occupancy issued for various restaurants with a full bar. Mr. Chapman stated that in 2007, the tenant leased 89 Arch Street and began operating a nightclub

without a zoning permit or Certificate of Occupancy for two years and then moved to a new location.

Mr. Chapman stated that when the applicant submitted a zoning permit proposing a nightclub at 89 Arch Street, that staff met with her and decided a special permit would be needed in order to change from a restaurant use to a more intense nightclub use. Additionally, the applicant has no onsite parking and would need to submit a special permit application to address the locations exemption or reduction of required parking.

Mr. Chapman stated that there is no direct access to the entrance of 89 Arch Street if the applicant were to go forward with their proposed valet shuttle service. He stated that staffs overall main concerns are lines of people waiting outside in the narrow walkway, traffic issues in one lane of the public right away, emergency access to the rear of the facility, and disruption of the adjacent business. He stated that therefore staff recommends denial of the proposal.

Commissioner Reale asked what the State Liquor Commissions laws were for a nightclub use because the 89 Arch Street proposal stated that there would be no food served at the facility.

John Gale, the attorney representing the applicant, stated he was there to clear up some issues that have been brought about by the application. He stated that he was unsure why this is a special permit when the last legal Certificate of Occupancy was for a restaurant. He explained that according to the zoning regulations, the use described as retail liquor is in the same category as restaurant.

Mr. Gale stated that the applicants have no relationship to the previous tenants of 89 Arch Street and he feels the Commissioners should disregard the letter from the Police Captain stating that the applicants business will be a continuation of the last.

Mr. Gale stated that the night club will have off-site parking and that there is no agreement with the Arch Street Tavern to share any of their parking spaces. He stated that the Convention Center has a parking garage containing 2,000 spaces. He referred to a map called "Public Parking Site Plan", and stated that in a letter from the manager of CCEDA, the applicants were informed that their business would be able to utilize the spaces in that garage.

He stated that the Star Shuttle is a free shuttle service that the customers would be able to easily take advantage of if they were coming from any of the surrounding hotels or the Convention Center. Louis and Louis Valet Service is the company that the applicant has a contract with. Mr. Gale stated that there are plenty of opportunities for customers to park even though they are not directly on site. He stated that all of these parking opportunities should not cause any safety or traffic issues that interfere with pedestrians.

Mr. Gale stated that the applicant has applied for a café liquor license which is the same type that most cafés and restaurants have, and that the proposed business will not be the type of place to have shows and long lines outside late at night.

Mr. Gale stated that the night club will be geared towards an older, professional crowd in order to come for different theme nights, such as a Latin night put on for the purpose of networking. He stated that he hopes the Commission would not deny the permit because of insufficient parking because he feels there are plenty of ways to gear customers away from the Arch Street Tavern's lot and guide them elsewhere.

He stated that he felt the letter from the Police Captain was very inappropriate and that it was not a fair way to treat the applicant because they have no relationship to the past tenant. Mr. Gale was then given the opportunity to read the letter submitted from Jerry Collins, the owner of the Arch Street Tavern.

Commissioner Lupo asked if the applicant had a security plan in order to prevent the night club from becoming the same type of environment of the last business.

Mr. Gale stated that the applicant has a contract with Underground Security, in which they would provide three security guards on the premises including one at the door at all times.

Commissioner Pleasant asked Mr. Gale how Destino Nightclub plans on attracting an older, more professional crowd.

Mr. Gale stated that the way they market the nightclub will be the key in attracting this particular crowd. He provided the Commissioners with an advertisement that has been produced for marketing purposes.

A discussion occurred regarding advertising that has been put out for Destino Nightclub and how it was not until a Cease and Desist of the nightclub was issued that the advertising stopped.

Carlos, the applicant stated that the Fire Marshall issued them occupancy of 160 people. Commissioner Bobowski noted that this occupancy would allow for 160 to be standing, without any tables or chairs. Carlos stated that he does in fact have chairs and tables within the facility, however Mr. O'Brien stated that because they are not shown on the plan, that is what the Commission has to refer to when taking that into consideration.

On a motion made by Commissioner Lupo Jr., and seconded by Commissioner Reale, the application was tabled until the next meeting.

All Commissioners voted in favor.

B. 166-168 Franklin Avenue – Special permit for mixed use residential structure with offsite parking. Applicant- ADP Properties.

Commissioner Bobowski opened the public hearing.

On a motion made by Commissioner Lupo, Jr., and seconded by Commissioner Blatt, the application was tabled until the next meeting.

All Commissioners voted in favor.

Commissioner Bobowski closed the public hearing portion of the meeting.

III. Regular Meeting

a. Consideration of Public Hearing Items

b. Site Plan Review

- i. **15 Burnham Street**- New construction of a two family residential dwelling.
Applicant- Gordan Willis. R-5 district

Junior Planner Jillian Hockenberry presented a summary of the application and answered the Commissioners questions.

Mr. O'Brien stated that the Department of Public Works had commented on how close together the proposed curb cuts were located on the site plan.

A discussion occurred amongst the Commissioners regarding possible solutions to widening the area between each curb cut.

Commissioner Shannon stated that she thought there should be more windows on each side of the structure on the second floor.

On a motion made by Commissioner Lupo, Jr., and seconded by Commissioner Shannon, the following resolution was approved:

Whereas, The Planning and Zoning Commission has received a site plan review application for new construction of a two family townhome at 15 Burnham Street, and

Whereas, 15 Burnham Street is a vacant lot located in the Blue Hills neighborhood between Salisbury Street and Blue Hills Avenue, and

Whereas, The subject property is in a R-5 district which serves the purpose of protecting the basic single-family character of areas developed with a mixture of one and two family dwellings, and

Whereas, The applicant worked with planning staff to increase the roof pitch and add a front porch, and

Whereas, The proposed design correlates with the overall neighborhood, and

Whereas, The proposal meets the zoning requirements for an R-5 district in regards to lot size, building height, lot coverage, setbacks, open space, and parking; Now Therefore Be It

Resolved: That the Planning and Zoning Commission hereby approves the proposal to construct a two family townhome on the vacant lot located at 15 Burnham Street as shown in the plans entitled, "Zoning Location Survey of 15 Burnham Street" prepared by Oswald Blint Surveying", 95 Giddings Avenue, Windsor, CT 06095, dated September 2, 2009 and "Front Elevation/Rear Elevation", prepared by Home Design Service, LTD. 25 Meadow Road, Windsor, CT 06095, and dated October 14, 2009 with the following condition(s):

1. Landscaping be added along the front of the structure
2. Increase the width of the front porch to 6 feet
3. Revise the site plan to show the porch
4. The driveways will enter from the furthestmost sides of the lot rather than the center
5. Add two windows on each side of the structure

Resolved: This twenty seventh day of October, 2009.

The following Commissioners voted affirmatively: Bobowski, Lupo, Jr., Reale, Shannon, Blatt, and Pleasant.

IV. Old/New Business

a. 2010 Schedule of Regular Meetings

On a motion made by Commissioner Blatt, and seconded by Commissioner Shannon, the 2010 schedule of regular meetings was approved.

All Commissioners voted in favor.

Mr. O'Brien stated that progress has been made with POCD 2020. He stated that flyers would be sent out in order for the public to save the dates of the themed panels and other public participation events.

V. Adjournment

Respectfully submitted,

Roger J. O'Brien, Secretary/Director